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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JODY P., and E.P., by and through her Guardian ad Litem Marla D.,)	Case No. 3:13-cv-01321-PK
)	
Plaintiffs,)	[PROPOSED] ORDER GRANTING
)	PLAINTIFFS' TEMPORARY
vs.)	RESTRAINING ORDER
)	
ROBERT GARY PETERSEN,)	
)	
Defendant.)	

This matter came before the Court on August 15, 2013, on Plaintiffs' motion for a Temporary Restraining Order. Plaintiffs appeared through their attorney, Daniel E. Thenell, Defendant appeared telephonically without counsel, and Linda Lee Petersen appeared through her attorneys Arthur Knauss and Bradley Lechman-Su. The Court having reviewed the records on file herein, and heard oral arguments from all parties, and now being fully advised, finds that:

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1. This Court has jurisdiction over this matter based on 28 USC 1332;
2. Defendant Robert Gary Petersen is currently incarcerated with the Oregon Department of Corrections at the Two Rivers Correctional Institution in Umatilla County, Oregon, having been sentenced to seven years for Sexual Abuse I and Invasion of Privacy, and that Plaintiffs, therefore, are likely to prevail on the merits of this action;
3. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief in the form of monetary restitution will occur from the sale, transfer, or other disposition or concealment by Defendant of his assets, unless Defendant is immediately restrained and enjoined by Order of this Court; and
4. That the security bond is waived due to no likelihood of harm to Defendant, and Plaintiffs' likelihood of success on the merits.

DEFINITIONS

For the purpose of this Temporary Restraining Order ("Order"), the following definitions shall apply:

1. "Defendant" means Robert Gary Petersen.
2. "Attorney in Fact" means Dr. James G. Petersen.
3. "Assets" means any legal or equitable interest in, right to, or claim to, any real and personal property, including but not limited to, "goods," "instruments," "equipment," "fixtures," "general intangibles," "inventory," "checks," "notes" (as defined in the Uniform Commercial Code), and all chattel, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and cash, wherever located.

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ORDER

IT IS HEREBY ORDERED that Defendant and Attorney in Fact shall hereby comply with the terms and conditions of the temporary restraining order granted by the Clackamas County Circuit Court, dated May 22, 2013, Case No. DR13050728, attached herein as **Exhibit A**.

IT IS FURTHER ORDERED that Defendant and Attorney in Fact are hereby temporarily restrained and enjoined for ten (10) days following the expiration, stay, vacate, and/or termination of the Clackamas County Circuit Court order from:

1. Transferring, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, perfecting a security interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, or other assets that are:

- a. owned or controlled by, or held for the benefit of – directly or indirectly – Defendant;
- b. owned or controlled by the Attorney in Fact; and
- c. held by an agent with notice of Defendant.

2. This Order does not apply to prevent Defendant of expenses necessary to provide for his safety or welfare.

IT IS FURTHER HEREBY ORDERED that Plaintiffs shall serve and provide notice of this Order to Defendant and Attorney in Fact.

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IT IS SO ORDERED

DATED this 19th day of August, 2013.


UNITED STATES DISTRICT JUDGE

Respectfully Submitted by:

By: /s/ Daniel E. Thenell
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Of Attorneys for Plaintiffs

Agreed to form by:

By: /s/ Arthur B. Knauss
Arthur B. Knauss

By: /s/ Bradley C. Lechman-Su
Bradley C. Lechman-Su

CLACKAMAS COUNTY CLERK
CLACKAMAS COUNTY CLERK

2013 MAY 22 AM 9:10

ENTERED
MAY 23 2013

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF CLACKAMAS

In The Matter Of The Marriage Of)

NO.

DR13050728

LINDA LEE PETERSEN,)

EX PARTE TEMPORARY
RESTRaining ORDERS

Petitioner,)

and)

ROBERT GARY PETERSEN,)

Respondent.)

This matter came before the Court on Petitioner's Motion for certain
ex parte orders, and the Court having reviewed the records on file herein and
finding good cause therefore, and being fully advised in the premises; now,
therefore,

The Court makes the following findings:

1. Petitioner shall hereafter be referred to as "Wife." Respondent shall
hereafter be referred to as "Husband."
2. The parties have two children, who are emancipated.
3. Entry of an Ex Parte Order is authorized by ORS 107.095.

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1. EX PARTE TEMPORARY RESTRaining ORDERS

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Exhibit A
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1 IT IS HEREBY ORDERED that pending further order of the Court:

2 1. Restraining Insurances: Husband and wife should be restrained
3
4 from canceling, modifying, terminating or allowing to lapse for non-payment of
5 premiums any policy of health insurance, homeowner or renter insurance, or
6 automobile insurance that one party maintains to provide coverage for the other
7 party, or any life insurance policy that names either of the parties, or any life
8 insurance policy. ORS 107.093(2)(b).

9 2. Changing Insurance Beneficiaries: Husband and wife should be
10 restrained from changing beneficiaries or covered parties under any policy of
11 health insurance, homeowners or renter insurance, or automobile insurance that
12 one party maintains to provide coverage for the other party, or any life insurance
13 policy. ORS 107.093(2)(b)

14 3. Restraining Assets: Husband and wife should be restrained from
15 transferring, encumbering, concealing, or disposing of property in which the
16 other party has an interest, in any manner, without written consent of the other
17 party or an order of the Court, except in the usual course of business or for
18 necessities of life. ORS 107.093(2)(c). This paragraph does not apply to prevent
19 by either party of:

- 20 a. Attorney fees in this action;
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22 b. Real estate and income taxes;
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24 c. Mental health therapy expenses for either party; or
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2. EX PARTE TEMPORARY RESTRAINING ORDERS

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Exhibit A
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1 d. Expenses necessary to provide for the safety and welfare of a
2 party.

3 4. Extraordinary Expenditures: Husband and wife should be
4 restrained from making extraordinary expenditures without providing written
5 notice and an accounting of the extraordinary expenditures to the other.
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7 ORS 107.093(2)(d).

8 5. Asset Restraint: Husband and wife should be restrained from
9 encumbering or disposing of any real or personal property of either or both of the
10 parties, except as the Court may order. ORS 107.095(1)(e).

11 6. Restraining Joint Credit: Husband and wife should be prohibited
12 from charging upon the credit of the other without specific permission to do so.
13 All outstanding credit cards which are in the names of both parties should be
14 immediately returned to the issuing creditor with instructions to close the
15 account. Neither party should be required to take any action regarding a credit
16 card for which only that party is responsible.

17 7. Retirement Plans: Husband and wife should be restrained from
18 changing any beneficiary designation any of the parties' pension, profit sharing,
19 PERS or other retirement plans, IRAs, or any other retirement-type assets
20 without first obtaining court approval or the written consent of the other party.

21 8. Distribution From Retirement-Type Assets: Husband and wife
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23 Page 3. EX PARTE TEMPORARY RESTRAINING ORDERS

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ARTHUR B. KNAUSS
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Exhibit A
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1 should be restrained from making any distribution from any of the parties'
2 retirement-type asset without first obtaining court approval or the written
3 consent of the other party.
4

5 DATED this 22 day of May, 2013.

6 Kathie Y. Stark
7 CIRCUIT COURT JUDGE

8 YOUR FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER
9 MAY SUBJECT YOU TO THE STATUTORY PENALTIES DESCRIBED
10 IN ORS 33.105 AS WELL AS SUCH OTHER PENALTIES AS THE
11 COURT MAY IMPOSE.

12 SUBMITTED BY: ARTHUR B. KNAUSS OSB#731700
13 Attorney for Petitioner
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4. EX PARTE TEMPORARY RESTRAINING ORDERS

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Exhibit A
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